

**Christian Samito**

**From:** Christian Samito  
**Sent:** Monday, February 13, 2006 2:10 PM  
**To:** 'Grunert, John A.K.'  
**Cc:** Nancy Reimer  
**Subject:** RE: Trans-Spec v. Caterpillar Expert Depositions

As we have repeatedly told you and Attorney Parkerson, we are not going to take the expert depositions until we have the requested documents and/or the Court rules on the emergency motion. Accordingly, as Nancy and I communicated to Attorney Parkerson numerous times and in numerous ways on February 9, 2006, the depositions of Bowes, Bjerk, Kiser and Angus have been taken off for February 13-17, 2006.

Christian G. Samito

-----Original Message-----

From: Grunert, John A.K. [mailto:[jgrunert@Campbell-trial-lawyers.com](mailto:jgrunert@Campbell-trial-lawyers.com)]  
 Sent: Monday, February 13, 2006 2:05 PM  
 To: Christian Samito  
 Subject: Re: Trans-Spec v. Caterpillar Expert Depositions

Are you going to take depositions on Tuesday, Wednesday, and/or Thursday or not? Please just answer that simple question. If I do not have an answer by reply e-mail in the next fifteen minutes, all three depositions will be cancelled.

-----Original Message-----

From: Christian Samito <[csamito@donovanhatem.com](mailto:csamito@donovanhatem.com)>  
 To: Grunert, John A.K. <[jgrunert@Campbell-trial-lawyers.com](mailto:jgrunert@Campbell-trial-lawyers.com)>  
 CC: Nancy Reimer <[nreimer@donovanhatem.com](mailto:nreimer@donovanhatem.com)>  
 Sent: Mon Feb 13 13:58:39 2006  
 Subject: RE: Trans-Spec v. Caterpillar Expert Depositions

Attorney Grunert:

I do not understand what part of the following is unclear: a) the phone call Nancy Reimer and I had with you on the afternoon of February 8, 2006; b) Nancy Reimer's letter sent by facsimile on the morning of February 9, 2006; c) my email exchange with Attorney Parkerson on February 9, 2006; d) the phone call which I had with Attorney Parkerson on the morning of February 9, 2006; e) the phone call Nancy Reimer and I had with Attorney Parkerson on the afternoon of February 9; f) the text of Trans-Spec's emergency motion itself; and, g) the email exchange below. I am also at a complete loss as to why you flew out to Peoria in light of the above-referenced communications and even more confused as to when and why Attorney Parkerson followed.

I hasten to reiterate that if we can reach an agreement regarding the production of requested documents, it is very probable that Trans-Spec will cancel most, and perhaps all, of the expert depositions. As you are aware from the above-referenced communications, Trans-Spec is not interested in copies of documents already produced by Caterpillar, Trans-Spec, or other entities.

Christian G. Samito

-----Original Message-----

From: Grunert, John A.K. [mailto:[jgrunert@Campbell-trial-lawyers.com](mailto:jgrunert@Campbell-trial-lawyers.com)]  
 Sent: Monday, February 13, 2006 1:34 PM  
 To: Christian Samito  
 Subject: Re: Trans-Spec v. Caterpillar Expert Depositions

Mr. Bowes appeared for his deposition as scheduled. You were not there.

Mr. Kiser is available as scheduled tomorrow. Messrs. Bjerk and Angus are available as

**EXHIBIT**

tabbed

Exhibit E

scheduled on Wednesday and Thursday. Please tell me now, by return e-mail, which of those depositions will be taken as scheduled. If I do not receive a very prompt response, I will tell these three witnesses that their depositions are cancelled and Mr. Parkerson and I will return to Boston to begin work on our motion for sanctions.

-----Original Message-----

From: Christian Samito <csamito@donovanhatem.com>  
To: Grunert, John A.K. <jgrunert@Campbell-trial-lawyers.com>; Parkerson, Christopher B. <cparkerson@Campbell-trial-lawyers.com>  
CC: Nancy Reimer <nreimer@donovanhatem.com>  
Sent: Mon Feb 13 11:35:50 2006  
Subject: Trans-Spec v. Caterpillar Expert Depositions

Attorneys Grunert and Parkerson:

Nancy Reimer informed me just now that Attorney Parkerson is in Peoria (I was under the impression, from Caterpillar's Response to Trans-Spec's Emergency Motion, that Attorney Grunert had travelled to Peoria, though that is neither here nor there).

In light of a) the telephone conversations between counsel which took place on Thursday afternoon and Friday morning; b) Attorney Reimer's Friday morning letter; c) the email exchange between Attorney Parkerson and myself on Friday morning; and, d) the fact that flights were cancelled yesterday due to the weather, I am at a loss as to why either of you travelled to Peoria for expert depositions you knew to have been postponed as of Thursday afternoon.

Attorney Reimer and I repeatedly stated that we would not proceed with the depositions until the Court rules on the Emergency Motion. I hasten to reiterate that if we can reach an agreement regarding the production of requested documents, it is very probable that Trans-Spec will cancel most, and perhaps all, of the expert depositions. Thus, such an agreement would heighten economy and efficiency for all parties in this matter. Trans-Spec continues to stand willing to reach such an agreement. Please call either Attorney Reimer or myself if you would like to discuss this option.

Christian G. Samito